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7 Attorney for Plaintiff
8 PAUL SAPAN

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

12 PAUL SAPAN,

13 Plaintiff,

14 vs.

15 CRYSTAL LENDING GROUP INC. a
16 California Corporation, CHRISTOPHER
17 JAMES CRICKS, an individual,

18 Defendants.
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20
21

Case No.:

**COMPLAINT FOR DAMAGES,
INCLUDING PUNITIVE
DAMAGES, INTEREST AND
ATTORNEY'S FEES, AND
FOR INJUNCTIVE RELIEF**

**Violation(s) of Telephone
Consumer
Protection Act of 1991**

22
23 COMES NOW Plaintiff PAUL SAPAN (hereinafter referred to as
24 "Plaintiff") who alleges as follows:
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- 1 • December 4, 2020 at 2:37 pm, CID 267-828-8080
- 2 • December 4, 2020 at 2:38 pm, CID 267-828-8080
- 3 • December 4, 2020 at 3:09 pm, CID 949-355-3599
- 4 • December 4, 2020 at 3:10 pm, CID 949-355-3599

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6 7. Mr. Sapan made a log of all the calls he received from CRYSTAL
7 LENDING GROUP during or shortly after receiving the calls which includes the
8 date and time of the call as well as brief notes about what happened during the
9 calls.

10 8. This call log is attached to this Complaint as Exhibit 1, and is
11 incorporated herewith.

12 9. Mr. Sapan's residential line has been tariffed as a residential line since
13 he was assigned it by the phone company more than ten (10) years ago.

14 10. Mr. Sapan registered his residential line on the National "Do-Not-
15 Call" Registry on December 22, 2007 and Mr. Sapan has kept his residential line
16 on the Registry from that time to the present.

17 11. While each of the calls complained of above used the Caller ID
18 number, all but the first call failed to transmit Caller ID name information as
19 required by law. 47 C.F.R. § 64.1601(e).

20 12. Mr. Sapan never gave any CRYSTAL LENDING GROUPY or any
21 other person, agent, employee or entity associated with CRYSTAL LENDING
22 GROUPY express written permission to call him, nor does he have an established
23 business relationship nor personal relationship with CRYSTAL LENDING
24 GROUPY or any other person, agent, employee or entity associated with
25 CRYSTAL LENDING GROUPY.

26 **Call Details and/or Example Calls Detailed**

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1 13. On or about November 19, 2020, Mr. Sapan was called by CID 267-
2 828-8080, however no one on the caller's side ever came on the line and there was
3 no conversation even though the call duration was three (3) minutes.

4 14. On December 1, 2020, Mr. Sapan received another call from the same
5 CID, but Mr. Sapan was busy and did not answer it.

6 15. On December 4, 2020, at 2:38 pm, Mr. Sapan then received a third
7 call from the CID 267-828-8080 in which he answered but there was nobody on
8 the line.

9 16. Shortly thereafter on December 4, 2020, at 3:09 pm, he received a
10 fourth call from the same CID number and the caller at first introduced himself as
11 "Mike with American Financial" and said he was calling regarding refinancing Mr.
12 Sapan's mortgage.

13 17. Since there is no company called just "American Financial" and Mr.
14 Sapan knew that junk telemarketers constantly use vague and generic faked
15 company names to introduce their pitches in order to evade detection and liability
16 for illegal calling, Mr. Sapan decided to play along to determine who this really
17 was.

18 18. Mr. Sapan said he might be interested and "Mike with American
19 Financial" tried to bring on his "advisor" to make the sale, but then said the
20 "advisor" was busy but he would call Mr. Sapan back to which Mr. Sapan did not
21 consent to and the call was dropped.

22 19. On the same day, at 3:10pm, Mr. Sapan was called by CID 949-355-
23 3599.

24 20. Mr. Sapan answered and spoke with "Mike from Crystal Lending
25 Group" and who said he was the one "Mike with American Financial" had tried to
26 transfer the call to but it did not go through.

27 21. Now that the caller had identified an actual real company, Mr. Sapan
28 informed them he was not interested and ended the call

1 22. He was call again by CID 949-355-3599 shortly after the call which
2 went unanswered.

3
4 **Case Background and Direct Owner/Broker Liability Allegations**

5 23. Mr. Sapan pleads on information and belief that for all calls he did not
6 answer, Defendants called him in order to pitch their mortgage refinancing
7 consultation services.

8 24. Mr. Sapan alleges on information and belief that Defendants also
9 transmitted the other calls, which went unanswered, in order to pitch their
10 mortgage refinancing consultation services.

11 25. Defendant Crystal Lending Group, Inc. is a licensed mortgage
12 brokerage by the California Department of Real Estate, license number 02071141.

13 26. That license specifies Defendant Christopher James Cricks as the
14 broker responsible for the acts of all agents and employees of CRYSTAL
15 LENDING GROUP.

16 27. The responsibility and liability of the broker is codified by California
17 law, Business and Professions Code §10159.2 titled, "Securing full compliance
18 with provisions; Responsibility of officer" and stating in pertinent part, "the officer
19 designated by a corporate broker licensee pursuant to Section 10211 shall be
20 responsible for the supervision and control of the activities conducted on behalf of
21 the corporation by its officers and employees as necessary to secure full
22 compliance with the provisions of this division, including the supervision of
23 salespersons licensed to the corporation in the performance of acts for which a real
24 estate license is required."

25 28. Attempting to sell mortgage refinancing consultation services over the
26 phone is an act for which a real estate license is required,
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28

1 29. Defendant Christopher James Cricks is the designated officer listed
2 for CRYSTAL LENDING GROUP in its California Department of Real Estate
3 License.

4 30. Defendant Christopher James Cricks is the sole officer listed for
5 CRYSTAL LENDING GROUP in its filing documents with the California
6 Secretary of State. (Cal. SOS License 4169458).

7 31. Defendant Christopher James Cricks in his own words on his owned
8 LinkedIn profile as it appeared on November 19, 2024 stated that he is the
9 “Founder” of Crystal Lending Group, Inc., and the LinkedIn profile for Crystal
10 Lending Group, Inc. lists no other officers. (available at
11 <https://www.linkedin.com/company/crystal-lending-group-inc>).

12 32. Plaintiff alleges on information and belief that Defendant Christopher
13 James Cricks is the only person at CRYSTAL LENDING GROUP with the
14 authority to make the calls to Plaintiff, order them to be made, or have the
15 authority to contract a “lead agent” to make calls with apparent authority to act as
16 Crystal Lending Group, Inc. or on its behalf.

17 33. Plaintiff alleges on information and belief that Defendant Christopher
18 James Cricks ordered the violative calls to be made, knew the calls described
19 above were being made and did nothing, or was willfully and recklessly ignorant
20 of the fact his company was making the calls described above or contracting for
21 them to be made.

22 34. Mr. Sapan has been harmed by the junk calls complained of herein by
23 the direct waste of his time during the calls themselves, the indirect waste of time
24 in having to break from other important tasks and spend time catching up after
25 these junk calls, the waste of telephone service which he and not Defendants must
26 pay for, the costs of having to pursue legal remedies, and in the aggravation and
27 consequent health effects of stress these illegal intrusions have caused.
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1 35. During at least one of the calls at issue Mr. Sapan wanted to make an
2 outgoing call at the same time and was not able to do so, being involuntarily
3 disposed of the use of his phone by Defendants' illegal calls.

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5 **FIRST CAUSE OF ACTION**

6 [TCPA Violation – Do Not Call List – For All 6 Calls]

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8 36. Plaintiff realleges all paragraphs above and incorporates them herein
9 by reference.

10 37. Plaintiff is bringing this action pursuant to the provisions of the
11 Telephone Consumer Protection Act of 1991 (47 U.S.C. §227 and 47 C.F.R.
12 §64.1200 – “TCPA”).

13 38. Subdivision (c) (2) of Section 64.1200 of Title 47 of the Code of
14 Federal Regulations makes it unlawful for any person to “initiate any telephone
15 solicitation” to “A residential telephone subscriber who has registered his or her
16 telephone number on the national do-not-call registry of persons who do not wish
17 to receive telephone solicitations”.

18 39. At all times relevant to this complaint, Plaintiff had registered his
19 residential telephone number on the national do-not-call registry maintained by the
20 U.S. Government.

21 40. Defendants have called Plaintiff's residential telephone line for
22 solicitation purposes during the statutory period of the last 4 years, pursuant to 28
23 U.S.C. § 1658. These calls are the only calls known to Plaintiff at this time and
24 Plaintiff states on information and belief, without yet having the aid of full
25 discovery, that it is quite likely that Defendant has made many more violative calls
26 to Plaintiff's residential telephone line. These calls were not made in error, nor did
27 Defendant have express permission from Plaintiff to call, nor did Defendant have a
28 personal relationship with Plaintiff. 37 C.F.R. § 64.1200 (c) (i), (ii), & (iii).

1 41. Subdivision (c)(5) of section 227 of title 47 of the United States Code
2 permits a private right of action in state court for violations the national do-not-call
3 registry rules promulgated thereunder. Plaintiff may obtain relief in the form of
4 injunctive relief, or Plaintiff may recover \$500.00 for each violation, or both. If
5 the court finds that defendants' violations were willful or knowing, it may, in its
6 discretion, award up to three times that amount.

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8 On the FIRST CAUSE OF ACTION:

- 9 1. For an award of \$500.00 for each violation of 47 C.F.R. §64.1200 (c) (2);
10 2. For an award of \$1,500.00 for each such violation found to have been
11 willful;

12 On ALL CAUSES OF ACTION:

- 13 3. For attorney's fees pursuant to California Code of Civil Procedure §
14 1021.5.
15 4. For costs of suit herein incurred; and
16 5. For such further relief as the Court deems proper.

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18 DATED: November 19, 2024

PRATO & REICHMAN, APC

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21 /s/Christopher J. Reichman, Esq.
22 By: Christopher J. Reichman, Esq.
23 **Prato & Reichman, APC**
24 Attorneys for Plaintiff
25 PAUL SAPAN
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